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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,979	03/30/2001	Abner Lerner	0325.00363	8947
21363	7590	08/16/2005	EXAMINER	
CHRISTOPHER P. MAIORANA, P.C.			LY, ANH VU H	
24840 HARPER SUITE 100			ART UNIT	
ST. CLAIR SHORES, MI 48080			PAPER NUMBER	
			2667	

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/822,979

Applicant(s)

LERNER, ABNER

Examiner

Anh-Vu H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-13 and 15-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Response to Amendment***

1. This communication is in response to applicant's amendment filed June 03, 2005.

Claims 1, 3-13, and 15-21 are pending.

### ***Drawings***

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 12-13, 15-16, and 18-19 are objected to because of the following informalities:

With respect to claim 12, in line 2, "a local events" should be changed to - local events- -.

With respect to claim 13, in line 3, "a local events" should be changed to - local events- - and in lines 10-11, "said shared communication channel" lacks antecedent basis.

With respect to claim 15, in line 3, containing additional step (C), however, step (C) is already cited in independent claim 13.

With respect to claim 16, in lines 2-3, "said one or more local events" lacks antecedent basis.

With respect to claims 18 and 19, in line 3, "said event detection information" lacks antecedent basis.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-13, and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art as disclosed in the specification on pages 1-2 and Fig. 1 further in view of Stirling et al (US Patent NO. 5,923,662). Hereinafter, referred to as APA and Stirling.

With respect to claims 1, 12, and 13, APA discloses an apparatus (Fig. 1) comprising one or more stations each configured to receive local events from a local input (page 1, line 20 – page 2, line 3) and present broadcast timing information (page 2, line 4), wherein one or more stations are each configured to present the broadcast timing information comprising a first synchronous local event (page 2, lines 10-12) and a last synchronous local event (page 2, lines 12-14) and share the broadcast timing information with each of the other stations (Fig. 1). APA does not disclose using only a single communication channel for presenting the timing information. Stirling discloses using a single control channel, which is shared by all stations, instead of eight channels for transmission of control messages (col. 1, lines 21-22 and lines 50-51) to reduce cost and complexity. It would have been obvious to one having ordinary skill in

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the art at the time the invention was made to have a single channel for transmissions in the APA's system, as suggested by Stirling, to reduce cost and complexity.

With respect to claim 3, APA discloses that the apparatus comprising a communication protocol (page 1, lines 12-13).

With respect to claim 4, APA discloses that the timing information is configured to distinguish between the first local event and the last local event from the stations (page 2, lines 3-9).

With respect to claims 5 and 15, APA discloses that wherein each of one or more stations is further configured to receive one or more local events (page 2, lines 1-2).

With respect to claim 6, APA discloses that wherein each of one or more stations comprising a receive module configured to receive broadcast timing information and a transmit module coupled to the communication channel (page 1, lines 16-18).

With respect to claim 7, APA discloses that each of one or more transmit modules is configured to present the broadcast timing information (page 2, line 4).

With respect to claims 8-10, APA discloses a conventional communication protocol for the broadcast of the first and the last event detection (Fig. 1). APA does not disclose that wherein each of one more stations comprising one or more delay circuits; wherein one or more

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delay circuits comprising a receive time delay circuit and a transmit time delay circuit.

However, stations having delay components for delaying transmitted and received signals are well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include delay components in APA's system, to accommodate differential delays among the stations located remotely from each other.

With respect to claim 11, APA discloses that wherein each of one or more stations further comprising a plurality of buffers (Fig. 1 discloses a conventional communication protocol for the broadcast of the first and the last event detection. Herein, the stations 12a-n must have buffers or queues to store information for transmissions).

With respect to claim 16, APA discloses that wherein the step B is configured in response to one or more local events (page 1, lines 17-18).

With respect to claim 17, APA discloses receiving and transmitting broadcast timing information (Fig. 1).

With respect to claim 18, APA discloses sharing event detection information within a time window (page 1, lines 17-18 discloses that the station detects and acts upon the event, herein the acting step is taken right away within a period of time).

With respect to claim 19, APA discloses a conventional communication protocol for the broadcast of the first and the last event detection (Fig. 1). APA does not disclose acknowledging event detection information. However, ACK is well known in the art for confirming the transmitted data. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include ACK mode in APA's system, to increase quality of service.

With respect to claim 20, APA discloses determining a first and last local event (page 2, lines 10-14).

With respect to claim 21, APA discloses a plurality of transceiver circuits configured to receive and transmit broadcast timing information from the communication channel to the stations through one or more serial links (page 2, lines 16-18 and Fig. 1).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1, 3-13, and 15-21 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues in page 8 that no admission has been made regarding figure 1 as prior art therefore applicant respectfully traverses the requirement to label figure 1 as prior art. Examiner respectfully disagrees. According to page 1 of the specification, figure 1 discloses a conventional use of a channel for the transmission of electrical signals in a system. Herein, the conventional system and/or related art are well known before applicant's invention therefore, it

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should be labeled as prior art. Applicant further argues in page 8 that after the examiner withdraws the rejection over the background section, applicant's representative will label the drawings as conventional. Examiner has carefully reviewed previous Office Action dated October 22, 2004 and concluded that no rejection was ever cited regarding the background section.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H. Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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TECHNOLOGY CENTER 2800 8/12/05